



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,853	10/12/2001	Keima Takabayashi	0445-0310P	7444

7590 11/25/2003

BIRCH, STEWART, KOLASCH & BIRCH, LLP
P. O. Box 747
Falls Church, VA 22040-0747

EXAMINER

TORRES VELAZQUEZ, NORCA LIZ

ART UNIT PAPER NUMBER

1771

DATE MAILED: 11/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

Office Action Summary	Application No.	Applicant(s)	
	09/974,853	TAKABAYASHI ET AL.	
	Examiner	Art Unit	
	Norca L. Torres-Velazquez	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 August 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) Interview Summary (PTO-413) Paper No(s). _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Response to Arguments

1. The rejection of claims 1-10 under 35 U.S.C. 112, first paragraph, has been withdrawn in view of Applicant's amendment.
2. Copies of English translations of Japanese documents JP 09-224895 and JP 12-328415 are provided with this communication.
3. Applicant's arguments filed on August 5, 2003 have been fully considered but they are not persuasive.
 - a. The rejection of claims 1-13 under 35 U.S.C. 112, second paragraph, as being indefinite is maintained. While the amended claims provide the cleaning sheet with an air-laid nonwoven fabric structure and a the low-friction area comprising a film or a nonwoven fabric, the independent claim 1 still fails to provide specific compositions which would meet the claimed physical characteristics. It is noted that the claim does not recite structural and physical limitations such as the fineness of the fibers, the composition of the fibers or the composition of the film in the low-friction area that would produce a sheet with the claimed coefficient of static friction.
 - b. With regards to amended claim 11, which incorporates the limitation "the cleaning sheet is attached to a cleaning tool which comprises a flat head having a flat base and a stick handle connected to the head"; it is noted that the JP 09-224895 teaches such limitation on Figure 2 of the drawings.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims merely setting forth physical characteristics desired in an article, and not setting forth specific compositions which would meet such characteristics, are invalid as vague, indefinite, and functional since they cover any conceivable combination of ingredients either presently existing or which might be discovered in the future and which would impart the desired characteristics. Also, the expressions also are too broad since it appears to read upon materials that could not possibly be used to accomplish purposes intended. *Ex parte Slob* (PO BdApp) 157 USPQ 172.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 09-224895 in view of JP 10-060761 and JP 2000-328415.

The JP 09-224895 discloses a sheet for cleaning that is composed of a base material sheet made of a nonwoven fabric and an intermediate sheet, which is a tacky adhesive and a front

Art Unit: 1771

surface of a meshed fabric. The reference teaches that the dirt is entangled with the nonwoven fabric fibers of the front surface sheet and captured by the tacky adhesiveness or the through holes of the meshed fabric. (Abstract) The nonwoven fabric will equate the scraping part of the present invention and the meshed fabric and/or intermediate sheets equate the dust-holding part of the present invention. With regards to the limitation requiring the cleaning sheet to be attached to a cleaning tool, it is noted that the JP 09-224895 provides such limitation on Figure 2 of the drawings.

However, the JP 09-224895 reference does not teach that the nonwoven fabric is air-laid.

The JP 10-060761 reference discloses a cleaning sheet produced by arranging two kinds of thermally fusible short fibers having a fiber length of 5 mm and different fiber diameters into three-dimensional structures, respectively, by an air-laying method. (Abstract)

Since both references are from the same field of endeavor, cleaning sheets, the purpose disclosed by the JP 10-060761 would have been recognized in the pertinent art of JP 09-224895.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the nonwoven material of the cleaning sheet with the motivation of preventing gathered dust from dropping as disclosed in the JP 10-060761 Abstract.

However, the references fail to teach the fineness of the fibers being of 23 to 200 dtex [20 d – 180d].

JP 2000-328415 discloses a nonwoven fabric produced by dispersing staple fibers composed of a hot-melting conjugate fiber of a length of 3-4 mm and a fineness of 30-80 deniers. (Abstract)

Art Unit: 1771

The Japanese references cited are from the same field of endeavor, classified under Int. Cl. A47L 13-16.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the nonwoven material and provide it with fibers of fineness of 30-80 deniers with the motivation of making an absorptive article as disclosed by the JP 200-328415 Abstract/Title.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 703-306-5714. The examiner can normally be reached on Monday-Thursday 8:00-4:00 pm.

Application/Control Number: 09/974,853
Art Unit: 1771

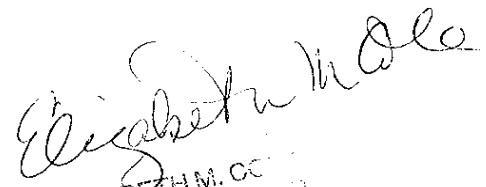
Page 6

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

NLT

November 19, 2003


ELIZABETH M. O'CONNELL
PRIMARY EXAMINER